

"We haven't felt any impact from color at all and can still ship out every piece of TV equipment we can lay our hands on" (see photostat, Exhibit B).

And in *Television Digest* (October 14, 1950, p. 8), it is reported that:

"A major eastern RCA distributor says dealers are 'mildly upset' but haven't cancelled or refused deliveries; another big one told of 11 dealers cancelling small orders."

8. While plaintiff RCA has made no public statement concerning its sales following the FCC color action, other manufacturers have explicitly denied any adverse effect; because of the very substantial popularity of RCA receivers (see paragraph 9 below), it is reasonable to assume that if other manufacturers have not been affected, RCA has not. Thus, Motorola, a major manufacturer, speaking through Walter Stellner, advised the trade journal *Television Digest* (issue of October 14, 1950 (p. 7)) that his company has no color plans at the moment, and said that dealers were still taking all sets turned out and merely joking about "sending us truckloads of color sets." Motorola is reported in the same publication to have wired its distributors and dealers:

"We feel there is nothing alarming about this decision because it does not affect today's black-and-white TV. * * *

"* * * The public has been hearing about color for almost 2 years but they have gone on buying present black-and-white sets in huge quantities. We are convinced they will continue to do so."

[fol. 1087] The same trade journal, issue of October 14, 1950, reported that the following manufacturers were queried, and, despite avowed opposition to the FCC ruling, each commented that the color decision had not had any effect on sales:

Kaye-Halbert, from Los Angeles:

"has felt no impact on sales due to FCC decision."
(p. 6)

General Electric:

"Distributors report considerable confusion and public questions but no definite reports on effect on sales." (p. 6)

Hallicrafters:

"* * * Some jobbers report their dealers are restive, but others ask us to divert to them any receivers which may be cancelled by others." (p. 7)

Olympic:

"has had no adverse reaction from dealers yet." (p. 7)

Sylvania:

"There is no evidence yet of adverse impact on trade." (p. 7)

Tele-King:

"Too early to feel results from distributors and dealers on sales." (p. 7)

Emerson:

"Decision had some effect on dealer sales but not sufficient to affect company's production until end of year." (p. 6)

Belmont Radio (Raytheon):

"Impact of decision on dealers and distributors has resulted in isolated cases of color hysteria. However, these reactions are in no way indicative of the actual effect on the market." (p. 5)

Bendix:

"Because of the huge mobilization program, mass production of color TV receivers is at least 3 to 4 years away. * * * The immediate problem is meeting the demand for black and white." (p. 5)

Only Hoffman Radio, of the manufacturers reporting to *Television Digest* (October 14, 1950), specifically stated that [fol. 1088] the FCC action adversely affected its sales. That company reported that "the FCC color decision pulled rug from under TV sales at both wholesale and retail, and manner in which news release has been handled by CBS and FCC has augmented confusion in present set owners minds as well as potential buyers" (*Television Digest*, October 14, 1950). It should be noted that the reason given for the alleged adverse effect on sales is not the *practical* effect of the FCC color decision, i.e., the commencement of commercial color telecasting on the CBS standards on November 20th, but the "confusion" in the mind of the

public which was engendered by the "manner" in which the news releases on color were handled.

Zenith was quoted in the New York Times issue of October 13, 1950 as declaring it had no intention of "halting or slowing" the manufacture of black-and-white sets.

During the week of October 23, the Radio-Television Manufacturers Association was quoted in the *Radio Daily (Television Daily)*, issue of October 27, 1950:

"Officials of the RTMA said so far no manufacturers have reported slumps or increases in set sales due to the color TV decision."

And one manufacturer, a few weeks later, found the color decision a three-day curiosity, no more. Frank A. D. Andrea, president of *Andrea Radio Corporation*, in an interview given to the *New York Times* (issue of November 5, 1950), discussed the question thus:

"Mr. Andrea also reported that the slump in dealer orders following the Federal Communications Commission approval of Columbia Broadcasting System's color television system had completely receded so far as his company was concerned. The approval was given on October 11, and for the following three days dealer orders fell 80 per cent, he reported. On the fourth day after the FCC decision, orders picked up, and at the end of last week the company was selling all its production."

[fol. 1089] The foregoing newspaper or trade journal reports concerning the statements of manufacturers are expressly confirmed by the affidavit of Earl W. Muntz, vice-president of Muntz TV Inc., a manufacturer of television sets. That affidavit discloses that sales *increased* following the FCC color action.

9. As already noted in the preceding section, RCA distributors themselves have publicly stated that their business was unaffected by the FCC color action. This is confirmed by the shortage of RCA television receivers in television stores.

The Chicago area was, at my direction, canvassed on October 26 and 27, 1950 to determine the availability for sale of RCA television receivers. A shopper survey (see affidavit of Grace Olsen, Exhibit C attached hereto) covered

ten television retail outlets, including such major stores as Carson, Pirie, Scott & Co.; Marshall, Field & Co.; Goldblatt's; and Hudson-Ross. It showed that stocks of RCA television receivers were extremely low; that some major retail stores were entirely out of stock on RCA receivers, with delivery "estimated", depending on model, at 3 to 10 weeks; that others had in stock only a few RCA receivers, with deliveries in some models in some cases promised for "three months"; that the average number of RCA sets held in stock by the ten outlets was four; and that the largest number in any of the stores shopped was eight.

The shopper was told that "whatever models are shipped move almost immediately."

The same shortage of current RCA receiver stocks which was found in Chicago was also found to exist in New York City. The shopper (see attached affidavit of Sydonia Stanislaw, Exhibit D) tried Macy's Liberty, Davega (two stores), Dynamic, Rabson's, Bloomingdale's, Gimbel's, [fol. 1090] Wanamaker's and other stores for RCA receivers. Five—Macy's, Liberty, Davega, Rabson's and Bloomingdale's—had none in stock and were taking no orders for them. All agreed that RCA sets were in very short supply, and that deliveries were slow and uncertain. The remaining stores shopped had a few models in stock. The average number of RCA sets in stock, for the eighteen stores surveyed, was four, and these were not in the most popular table models.

The plaintiffs RCA and RCA Victor Distributing Corporation have alleged that future sales of their inventory of black-and-white receivers will be jeopardized unless a preliminary injunction issues forthwith against the FCC order authorizing commencement of commercial color telecasts under the FCC-established standards. The short supply of RCA sets indicated by these surveys points in exactly the opposite direction.

10. Some retailers not only suffered no decline in television sales as a result of the FCC action but, on the contrary, took advantage of the action to *increase* sales by constructive steps.

For example, Dynamic Stores, a chain of retail stores in New York City, ran a full-page newspaper advertisement in the major metropolitan papers on Wednesday, October 25, 1950 (see photostat attached, Exhibit E). The

result, reported the trade journal *Retailing Daily* on October 27, 1950, was:

"Excellent response, both in inquiries and sales of sets, resulted from Dynamic Stores' Wednesday ads in New York papers guaranteeing conversion to color for '\$49.50 or less'.

"Jack Winer, head of the TV and appliance chain, said the effects were felt in all the firm's metropolitan stores and that home demo calls jammed the wires at the main stores all day. Sales, he said, were triple that of an average day's, and inquiries came in from dealers and distributors all over the country."

[fol. 1091] Similar newspaper advertisements were run by Davega Stores, Inc., another chain of retail stores in New York City (Exhibit F). These advertisements offered a "color guarantee", guaranteeing that the purchaser of a black-and-white set could later have his set adapted and converted by Davega. These advertisements were first run on October 27, 1950. A. Davega, vice-president of Davega Stores, Inc., reported that on October 28, 1950, the day following the advertisements, "sales were 250% of our unit volume on the same day in 1949" (*New York Daily Mirror*, November 1, 1950).

11. In any event, a number of factors completely unrelated to color have had an adverse effect on television receiver sales.

William J. Cheyney, executive director of the Retail Credit Institute, at a store conference of the National Association of Music Merchants, held in New York from October 16 to 20; was reported by *Radio & Television Weekly* (October 25, 1950, p. 19), to have advised the conference that installment purchases in all appliances, television sets included, had dropped substantially since Regulation W was imposed on September 18th and that the latest tightening of controls (October 16th) would result in a further drop and probably cut into the Christmas trade. Referring to the 25%-15 months credit control terms, he said:

"To one who understands the market, this action blots out completely 100% the purchasing of these 'listed' durable goods for a broad segment of the American people, most of them farmers or workers.'"

Television Digest, October 28, 1950 (p. 8), remarks:

"*Credit Controls Hit TV Hardest*"—"Tighter Regulation W (now 25% down and 15 months to pay) is having a much worse effect on TV sales than talk about color, according to best available sources. It's estimated some 70% of TV set sales are on time-payment."

[fol. 1092] "In Hollywood, Cal.," states the *Wall Street Journal* (October 28), "Bernard Weiss of Jerry's Market thinks credit controls are the real culprit in his 50% drop in volume in the last fortnight. 'The average working Joe doesn't have the dough to meet the new terms.'"

In *Retailing Daily*, October 18, 1950 (p. 41), appeared the following:

"*Credit Rules Big Worry to Cincinnati Retailers*"

"There is no question that the color television edict announced by the FCC has caused a flurry in retail stores here, but a rapid spot check of a cross section of the dealers here indicates that these men are more worried about the possible effects the more stringent credit controls are going to have. * * *

The article then quotes two department stores to the same effect.

And in *Retailing Daily*, October 25, 1950 (p. 31), dated Chicago:

"Nearly all stores checked report sales 5 to 10 percent under the week before. * * * Opinion is divided among local retailers as to whether the color controversy or the 25 percent down payment has had the greater adverse effect on sales. Effect of the stricter credit terms can be measured more immediately, since nearly all stores have seen customers walk out when told that the \$60 which they thought would be sufficient for the down payment on a \$400 set would have to be upped to \$100."

The direct effect of Regulation W's tightened credit controls can readily be illustrated by reference to a study, made this year by Cunningham & Walsh, Inc., a well-known advertising agency, entitled "Videotown III 1950."

On page 14 of that study, statistics are given which show that in an average, actual American community of 40,000 population in the New York area, more than 50% of 1950 television receiver retail sales were financed on the installment plan; and that the trend of buying TV sets has shifted from the upper brackets to the middle and lower income brackets.

[fol. 1093] Accordingly, the "25% down, only 15 months to pay" provisions of Regulation W will hit the largest consumer market the hardest.

These data were further corroborated by Mr. Homer Jones, Federal Reserve Board, Washington, D. C. Mr. Jones stated on November 3, 1950, that upon the basis of field surveys made by that agency for publication in their "Bulletin", it was estimated that about 45% of all television set sales are financed, and the great bulk of these were made at easier terms than the new Regulation W permits. Mr. Jones estimated that of the possible 45% of television set sales financed, perhaps 40% was done on more lenient terms; in other words, possibly 80% of all financing was done at the easier credit terms.

The *Federal Reserve Bulletin* of July, 1950, commenting on the rising market for television set sales over 1949 volume, said (p. 14):

"A larger proportion of consumers at each income level expected to buy sets this year than last, with the lower income groups showing the larger increases."

A second adverse factor is the 10% excise tax which went into effect on television receivers on November 1, 1950.

In Louisville, Ky., reported *Retailing Daily* on October 31 (p. 31):

"Television set dealers are getting good response to the rash of ads urging consumers to buy sets before the November 1 tax deadline.

"The dispute on color television has not affected volume at all, dealers reported."

Dr. Allen B. DuMont, head of the Laboratories which manufacture and develop television receivers, in a speech on October 30, 1950, to a meeting of the fall convention

of the RTMA, held in Syracuse, is reported by *Daily Retailing*, issue of October 31, 1950 (p. 31) as follows:

[fol. 1094] "To date, the repercussions on set sales from the FCC decision have not been too severe, Dr. DuMont said. 'On Wednesday the new 10 per cent excise tax becomes effective, and then we will see what the cumulative effect of these many Government-imposed problems has been on our market,' he said. 'We'll find out if the color controversy, the new credit restrictions, the excise tax, increased income taxes and finally the "freeze" on new stations have pushed the would-be buyer out of the market.'"

The *Radio Daily (Television Daily)* November 1, 1950 headline read as follows:

"Rush to Buy TV sets to Avoid 10% excise tax
Dealers Report Heavy Demand Past Week

"Heavy sales of TV receivers in the sixty-three cities served by television stations was reported the past few days as both dealers and consumers sought to avoid payment of the 10% manufacturers' excise tax which becomes effective today, *Radio Daily* learned yesterday. During the past few weeks dealers in such key center cities as New York, Chicago, Philadelphia, Boston and Los Angeles have been stocking up on black and white receivers anticipating the excise tax. Manufacturers reported an unprecedented demand for 16-inch table models and larger sized console models."

The fear of adverse effect of the excise tax was substantiated subsequent to November 1, when the tax went into effect. *Retailing Daily* reported on November 8, 1950, a comprehensive and detailed survey concerning the effect of the tax. Its headline (p. 1) was "First Week of TV Excise Tax Brings Sharp Drop In Sales." It reported:

"With few exceptions, TV market areas yesterday reported a serious drop-off in sales the the first week since the 10 per cent excise tax went into effect. Sales in some sections plummeted to a record low, according to a countrywide *Retailing Daily* survey."

In a special article concerning sales in Chicago, the same issue of *Retailing Daily* reported (p. 41):

"Chicago TV Sales Drop Sharply as New Excise Takes Effect

All Retailers Hit Hard By Decline Even Though Still Promoting Tax-Free Floor Stock

[fol. 1095] "After skyrocketing to new heights during the last five or six days before the excise tax went into effect, retail television sales in the Chicago area have plummeted back to earth since Nov. 1."

"For the most part the stores are not worried by their weighty inventories and will continue to accept shipment, although on a more selective basis. They expected that the combination of credit controls, color talk and the excise tax would result in a slow period for at least the first two weeks of this month, and are equally confident that volume will work up again as the public becomes accustomed to the new conditions."

Other factors have also been suggested as operating adversely to receiver sales. For example, in *Radio & Television Weekly*, October 25, an article entitled "This Is Chicago" (p. 16) states:

"Meanwhile, manufacturing and retail sources here said that there has been a definite slowing down of buying by consumers, and consequent lessening of pressure on factories. This was ascribed to a possible combination of public confusion over the FCC order, the recently-imposed federal credit restrictions and the easing of fear over cutbacks in set manufacture as a result of better war news from Korea."

And in *Retailing Daily*, November 7 (p. 36), it is reported:

"The color controversy has had less effect on the television market in recent weeks than other factors affecting the business, according to W. A. Blees, vice-president of Avco Manufacturing Corp., and general sales manager of the firm's Crosley division (which manufactures television receivers)."

—“Among the factors which have had more bearing on television sales than color, he mentioned credit controls, panic buying in July and August which robbed the fall market, and the fact that thousands of young men have been in a state of uncertainty regarding their future military service status. Besides, he said, the industry's selling organizations have gone soft at all levels.”

12. In order to obtain data additional to the foregoing relating to the effect of the FCC color action and other factors on television set sales, I caused a survey to be made [fol. 1096] by the Business Information Division of Dun & Bradstreet, Inc. The survey was conducted by that organization on November 7-9, 1950, in order to obtain the most recent possible information. Dun & Bradstreet interviewed 675 television set retailers and 75 wholesalers in those cities throughout the country where there are television stations. The resulting report, entitled “A Survey of Business Conditions Among Major Brand Retailers and Wholesalers of Television Receivers,” is set out in full as Exhibit G, attached hereto. Its principal findings may be summarized as follows:

a. A majority of retailers (59.2%) and of wholesalers (62.5%) reported that television set dollar sales were *higher* in October than in September, while only 24.4% of the retailers and 12.5% of the wholesalers reported such sales were lower. 16.4% of the retailers and 25% of the wholesalers reported that the sales were the same for both months.

b. Of the minority of the retailers who reported sales *lower* in October than in September, most (50.6%) assigned the credit restriction as the major reason for the decline. Only 37 of the 156 retailers who reported declines in October gave color television as the first reason, and only one of the eight wholesalers who reported declines similarly found color at fault.

c. Only about one-fifth of the interviewees reported that October sales were below their expectations; even among this one-fifth, however, Regulation W was more frequently assigned as the reason for the disappointment than was color television.

d. In response to the question concerning sales in November, 2.2% of the retailers and 21.9% of the [fol. 1097] wholesalers reported "excellent"; 14.9% of the retailers and 26% of the wholesalers reported "good"; 34.9% of the retailers and 26.6% of the wholesalers reported "fair"; and 47.2% of the retailers and 17.2% of the wholesalers reported "poor."

e. Among the retailers who reported November business as only fair or poor, the majority blamed the excise tax; about one-third ascribed the condition to Regulation W; and less than one-fifth found color television at fault.

f. The majority of retailers (53.5%) and wholesalers (60.9%) reported no abnormal cancellations during the two weeks prior to the interviews. The information that there had been no cancellations at all was volunteered by about one-fifth of the interviewees. Only 7.2% of the retailers and 6.3% of the wholesalers stated that cancellations were abnormally high; in fact, a greater number reported them abnormally low.

g. Among the handful of retailers who thus reported high cancellations, Regulation W was given as the reason more frequently (15 times) than color (14 times). Only one wholesaler ascribed high cancellations to color.

h. In response to the question whether shortage of sets, color, Regulation W and the excise tax were unfavorably affecting sales, 37.8% of the retailers gave the excise tax as the prime adverse affect, 33.9% gave Regulation W as the prime reason, and only 15.3% gave color as the prime reason. Among wholesalers, the prime adverse affect was thought to be Regulation W (43.3%), excise tax (33.3%), shortage of sets (16.7%), and color (only 6.7%) in the order named.

[fol. 1098] The Dun & Bradstreet survey, therefore, fully confirms that there has been no universal, or even general, decline in sales since the color television decision and that, where there has been thought to be a decline, or even a disappointment in expectations, factors other than color television were most frequently assigned. In these circumstances, it would seem to be clear that the mere fact that the FCC order permitting commercial color broadcasts on and after November 20 becomes effective on that

date cannot be said to threaten immediate and irreparable injury in plaintiffs' set sales either at the manufacturing, wholesale or retail level.

Oscar Katz.

Sworn to before me this 10 day of November, 1950.
Emily M. Green, Notary Public, State of New
York, No. 31-6638100, Qualified in New York
County, Certs. filed with N. Y. Co. Clk. & Reg.,
Commission Expires March 30, 1952. [Seal]

(Here follow 2 Photolithographs, side folios 1099, 1100)

Bruno Statement
Radio Daily (Television Daily), October 22, 1950

RADIO TELEVISION DAILY

VOL. 53, NO. 15

NEW YORK, MONDAY, OCTOBER 23, 1950

TEN CENTS

O'NEIL INTERESTS TOP DON LEE BID

TV Receivers Selling Despite Color Dispute

Majority Of Firms Complacent, But Some Worry

Television receiver sales in the New York Metropolitan area have continued to hold their record high pace in the face of the general confusion and anxiety created by the color controversy over the FCC ruling. RADIO DAILY learned Friday in a survey of local dealers and dis-

(Continued on Page 7)

Webb And TvA Continue Negotiations

Following the scheduled meeting on Friday at which a new wage proposal was reported received from the networks, Television Authority, representing the TV performers, will hold membership meetings in Chicago and on the West Coast. Last week, George Heller, national executive secretary of Television Authority, said the networks' wage proposals as far were "ridiculous" and that unless the companies radically changed their proposals it might be serious. Negotiations got under way on Sept. 14, last.

Bid Of \$12,320,000 Accepted For Coast Web

West Coast Bureau of RADIO DAILY
Hollywood — The Don Lee network on Friday became the property of the First National Bank of Akron, Ohio, when their bid of \$12,320,000 was accepted over the \$11,200,000 bid of Hoffman Radio Corporation made on October 6th. In raising the Hoffman bid by 10 per cent

(Continued on Page 5)

Four ABC Executives Get Web Promotions

Four executive promotions within the ABC network...

NBC Affiliates End Fourth Convention

White Sulphur Springs, W. Va. —

Monday, October 23, 1950

RADIO DAILY—TELEVISION DAILY

Coaxial-Cable Issue Clogs FCC's Docket

(Continued from Page 1)
hours, with 40 hours remaining open for further assignment.

FCC invited ABC, CBS, DuMont, NBC and "all TV station permittees and licensees who are now or may be customers for intercity video service" to file notice to intervene and participate. Filing deadline is Nov. 1.

Questions to be determined at the hearing include the lawfulness of the AT&T tariff schedule, allocations of usage of available intercity video transmission channels made by AT&T for the calendar quarter ending Dec. 31, the basis upon which such allocations were made, and "respondent's justification for such allocations, the bases upon which future allocations would be made by all respondent carriers and the justification therefor."

The Commission denied a petition of ABC for an "interpretive rule" with respect to the meaning of certain portions of the AT&T tariff in question "insofar as the petition requested an immediate ruling without public notice or hearing."

NAB headquarters is studying the FCC hearing notice to determine whether to intervene, said Charles Batson, NAB's TV director. TNA board probably will meet next week to determine what action to take.

★ ★ TELE TOPICS ★ ★

THE television premiere of the famed Dianna Quintuplets on WOR-TV Thursday night from the Alfred E. Smith Memorial Foundation dinner at the Waldorf-Astoria, caused the station's technical staff many anxious moments. It seems that electronic gremlins crept into the AT&T cab's between the grand ballroom of the hotel and the master control of WOR-TV. The program scheduled for 10:15 p.m., actually didn't produce a picture until 15 minutes later. In the meantime the station carried the audio portion featuring the introductory remarks of Cardinal Francis Spellman. The picture returned in time to present the five girls and their classmates from Collingdale, Ontario, in their song recital. Photographically the presentation was only fair with Maria Dianna standing out as the most personable member of the group. Vocally they were pleasing.

TODAY'S TV Personality:

LOUIS G. COWAN, head of the firm bearing his name, is widely known for his imaginative development of new radio and TV packages. Originator and producer of the "Quiz Kids" on both radio and TV, Cowan boasts a long list of network and transcribed shows he has produced, including: "Stop the Music," the "Paul Winchell and Jerry Mahoney Program," the forthcoming



COWAN

Bert Parks afternoon TV show, and numerous local programs in New York and Chicago. During the war years, Lou was chief of the OWI's New York office. Prior to the war, he headed his own Chicago public relations firm, developing radio programs for Pure Oil, National Tea Co., Illinois Meats, and the Stevens Hotel. He is a University of Chicago graduate, married, and has four children.

TV Receivers Selling Despite Color Dispute

(Continued from Page 1)
tributors. The great majority of retailers polled reported set sales as "holding up." A few disclosed receiving some cancellations over the week-end when the color story first broke. But they insist that the loss is negligible and new orders continue to come in.

A spokesman for Bruno, Inc., the RCA distributor in New York, reported business as extremely good. Only one dealer cancellation was received due to the color mixup, he said; but this was more than nullified by the numerous requests from other dealers for deliveries to fill their needs.

Although the sales picture remains rosy, some retailers expressed concern over the future. They were thinking of the thousands of prospective customers who have been holding off buying TV sets. The muddled color situation can only influence them to wait longer, it was feared.

Some dealers are even debating the question of running TV clearance sales in the next few weeks. If customers begin to stay away, it may very well come to pass, it is believed.

On the manufacturing front, two

Bruno Statement
Variety, October 12, 1950

40

RADIO-TELEVISION

VARIETY

Black-White Video Pitch

Continued from page 1

any such move by the organization. Both Radio Corp. of America (and its National Broadcasting Co. subsidiary) and Pilot Radio, however, filed applications yesterday (Tues.) for injunctive action against CBS to hold its scheduled launching of commercial colorcast. RCA-NBC sued in Chicago; the Pilot action was brought in Brooklyn (N. Y.) federal court.

Illustrating the facets which the mass campaign might embrace, Crosley board chairman James D. Shouse warned newspaper owners yesterday of their heavy stake in informing the public fully on the "disastrous" potentialities of CBS color standards. Speaking at the third annual meeting of Newspaper Controllers and Finance Officers in Cleveland, Shouse said the viewing public faces a possible loss of

color publicity has not dented the consumer demand for black-and-white sets. According to an exec of Bruno-N.Y., which distributes RCA products, "we haven't felt any impact from color at all and can still ship out every piece of TV equipment we can lay our hands on." A. Davega, prez of Davega Stores, estimated that cancellations of outstanding orders for black-and-white receivers represented only 1 1/2% of the total. He noted, however, that a rush of buying last week might have been due to the new Federal restrictions on installment buying, which went into effect Saturday (14).

2. Distribution execs of the major manufacturers adopted an anti-CBS campaign, asking their distributors to protect their sale of black-and-white receivers

contact with the people." Signifi-

CBS Invites All Comers

CBS prez Frank Stanton declared yesterday (Tues.) that he would be glad to provide time on the network Sunday (22) to the Radio-Television Manufacturers Assn. to answer his broadcast of last Sunday night (15). RTMA prez Robert C. Sprague had requested a comparable 15 minutes of CBS time that Stanton had assumed, between 6 and 6:30 p.m., for "rebuttal to attacks on TV manufacturers made by you last Sunday night."

Stanton said he would await final word from RTMA as to whom it would provide as a speaker before closing the time. In his wire to Stanton, Sprague requested the 15 minutes "in accordance with broadcasting regulations and traditions calling for equal time on both sides of controversial public issues."

partially scotched reports in a statement to distributors yesterday

[fol. 1101]

EXHIBIT C

Affidavit of Grace Olsen

This is to certify that I, Grace Helen Olsen, have actually conducted the following 10 interviews in the Chicago Area, 10/26/50 and 10/27/50:

Carson, Pirie, Scott & Co.
 Marshall, Field & Company.
 Goldblatt's.
 Hudson-Ross.
 Dumke Radio Co.
 Broadway Radio & Television Co.
 Norshore Radio Service.
 Terman Television Sales Co.
 Havill's Radios & Appliances.
 Norman Ross & Company.

Grace Helen Olsen.

My Commission Expires April 22, 1952. Jean W. Wakin,
 Notary Public, October 27, 1950.

[fol. 1102] Report of Calls Made on RCA Dealers, in the
 Chicago Area

1. *Carson, Pirie, Scott & Company* (Downtown) State &
 Madison Streets.

Salesman: Mr. Bruce Landis.

Date of call: 10/26/50.

Following models available for immediate delivery: (per
 inventory evening of 10/25/50).

9-T-89 "Sedgwick"—19-inch. screen—\$750.00 plus tax
 —1 in stock.

6-T-71 "Fairfield"— —\$329.95 plus tax
 —1 in stock.

6-T-53 "Newport"—16-inch. screen—\$
 —3 in stock.

Following other models commented upon:

6-T-86 "Rutland"—16-inch. screen. — \$525.00 — Not
 available now; have received 2 or 3 only in 3 months.

6-T-75 "The Modern"—16-inch screen—Have received only 1 model in 4 months.

6-T-84 "Fairfax"—16-inch screen—Popular model, but not available.

No definite estimate given on models not available. Delivery could vary from 2 weeks to 3 months, per salesman. Also: only 16 inch models were on display in television section.

2. *Marshall, Field & Company* (Downtown), Washington & State Streets.

Salesman: Mr. E. J. Frederick.

Date of call: 10/26/50.

No R.C.A. models in stock at present time.

Delivery dates estimated on the following models:

6-T-72 "Fairfield"—16-inch screen—\$330.00—delivery in 4-5 weeks.

6-T-75 "Modern"—16-inch screen—\$370.00—delivery in 5 weeks.

6-T-64 "Kingsbury"—16-inch screen—\$281.00—delivery in 8-10 weeks.

6-T-65 "Highland"—16-inch screen—\$301.00—delivery in 4-5 weeks.

6-T-74 "Regency"—16-inch screen—\$360.00—delivery in 4-5 weeks.

6-T-76 "Provincial"—16-inch screen—\$390.00—delivery in 3-4 weeks.

3. *Goldblatt's* (Downtown), State & Van Buren Streets.

Salesman: Mr. W. Langer.

Date of call: 10/26/50.

Following models on display:

6-T-54 "The Kent"—16-inch screen—\$249.95.

2-T-60 "Cumberland"—12½-inch screen—\$209.95.

6-T-87 "Hartford"—16-inch screen—\$575.00.

[fol. 1103]

6-T-75 "The Modern"—16-inch screen—\$369.50.

9-T-77 "Hillsdale"—19-inch screen—\$445.00

9-T-79 "Northampton"—19-inch screen—\$450.00.

9-T-57 "York"—19-inch screen—\$359.50.

2-T-51 "Shelby"—12½-inch screen \$179.95.

Salesman could not indicate delivery on a given floor model until date of purchase. Estimated from 1 to 2 in

warehouse of any given floor model. However 15 stores draw on this inventory. Would not estimate wait on delivery of model not available in warehouse.

4. *Hudson-Ross* (Downtown), 141 S. Wabash Avenue.

Salesman: Mr. I. D. Waxman.

Date of call: 10/26/50.

Following models on display:

6-T-54 "Kent"—16-inch screen—\$250.00.

6-T-71 "Fairfield"—no price given.

Above models may be available for delivery, but salesman would make no commitment until date of purchase.

5. *Dumke Radio Co.* (North Side), 1618 Howard Street.

Salesman: Mr. Erich Dumke.

Date of call: 10/27/50.

Following models available for immediate delivery: (1 of each in stock)

9-T-79 "Northampton"—19-inch screen—\$450.00.

9-T-77 "Hillsdale"—19-inch screen—\$425.00.

9-T-89 "Sedgwick"—19-inch screen—\$750.00.

6-T-74 "Regency"—16-inch screen—\$360.00.

Following model sold while in store:

6-T-54 "Kent"—16-inch screen—\$249.95.

In RCA could make no other estimates of expectancy.

6. *Broadway Radio & Television* (North Side), 5530 N. Broadway.

Salesman: Mr. Graham.

Date of call: 10/27/50.

Following floor models available for immediate delivery: (1 of each)

6-T-86 "Rutland"—16-inch screen—\$525.00.

9-T-79 "Northampton"—19-inch screen—\$450.00.

9-T-89 "Sedgwick"—19-inch screen—\$750.00.

[fol. 1104] There were 7 other models on the floor already "sold". (1 of each model) Interviewer identified the follow-

ing: (No price tags with identification on models; salesman refused to discuss models sold)

6-T-71 "Fairfield".

6-T-54 "Kent"—16-inch screen.

2-T-51 "Shelby"—12½-inch screen.

7. *Norshore Radio Service* (North Side), 6210 Broadway.

Salesman: Mr. Arthur Ross.

Date of call: 10/27/50.

Following models available for delivery within one week: (shipment received yesterday and another shipment expected before November 1st) (1 of each model)

9-T-57 "York"—19-inch screen—\$325.00.

6-T-64 "Kingsbury"—16-inch screen—\$279.95.

6-T-71 "Fairfield"—16-inch screen—\$329.95.

6-T-74 "Regency"—16-inch screen—\$359.95.

2-T-81 "Somervell"—12½-inch screen—\$329.95.

2-T-81 "Somervell"—12½-inch screen—\$349.95
(Blonde).

6-T-84 "Fairfax"—16-inch screen—\$459.95.

Salesman commented that six additional sets in RCA had already been sold that morning, (11 a.m. time of interview) Did not indicate what models sold. Also commented, with reference to models 9-T-89 "Sedgwick" and 6-T-87 "Hartford", that they hadn't received shipments of said models in a long time.

8. *Terman Television Sales Co., Inc.* (South Side) 2115 E. 71st Street.

Salesman: Mr. Goking.

Date of call: 10/27/50.

Three R.C.A. models in the store; two of these available for immediate delivery:

6-T-84 "Fairfax"—16-inch screen—\$459.50.

2-T-81 "Somervell"—12½-inch screen—\$329.95.

Other model "sold" was 6-T-53 "Newport"—16-inch screen.

Salesman commented that whatever models are shipped to him move almost immediately. In the whole store, all models, no more than 12 sets were available—remainder on floor had been sold since yesterday.

[fol. 1105] 9. *Havill's Radios and Appliances* (South Side), 1461 E. 55th Street.

Salesman: Mr. Havill.

Date of call: 10/27/50.

Following models available for immediate delivery in quantities indicated:

6-T-71 "Fairfield"—16-inch screen—\$329.95. (1 in stock)

6-T-54 "Kent"—16-inch screen—\$249.95. (1 in stock)

9-T-256 12-inch screen—\$229.95. (2 in stock)

2-T-51 "Shelby"—12½-inch screen—\$179.95. (2 in stock)

6-T-76 "Provincial"—16-inch screen—\$389.50. (1 in stock)

6-T-65 "Highland"—16-inch screen—\$299.95. (1 in stock)

9 P.C.-41—\$795.00. (1 in stock for over 6 months)

10. *Norman Ross & Company* (Suburban), 617 Davis Street, Evanston, Illinois.

Salesman: Mr. Gerald K. Howson.

Date of call: 10/27/50.

Following models available for immediate delivery (1 of each):

9 PC41C 21-inch screen—\$795.00.

9-T-79 "Northampton"—19-inch screen—\$450.00.

6-T-71 "Fairfield"—16-inch screen—\$329.50.

Salesman would make no estimates on delivery of a given model placed "on order."

Grace H. Olsen.

Interviewer: Grace H. Olsen, Research Department, McCann-Erickson, Inc., 318 S. Michigan Ave., Chicago, Ill.

[fol. 1106]

EXHIBIT D

Affidavit of Sydonia Stanislaw

STATE OF NEW YORK,

County of New York, ss:

Sydonia Stanislaw, being duly sworn, deposes and says:

I am account research manager in the central research department of McCann-Erickson, Inc., 50 Rockefeller Plaza, New York, N. Y.

On October 25, 26, 27, 1950, I made the shopping survey attached hereto.

I hereby certify that the reports on each store are an accurate account of what transpired on that shopping survey.

Sydonia Stanislaw.

Sworn to before me this 9th day of November, 1950.

Edna C. Buchanan.

Edna C. Buchanan, Notary Public for the State of New York, No. 41-55036-0; Qualified in Queens County. Certificates filed with Queens & N. Y. Co. Clerks & Registers. Term Expires March 30, 1952.

[fol. 1107] Results of Shopping for RCA Television Receivers in New York Retail Stores

Made by Miss Sydonia Stanislaw, Account Research Manager in the McCann-Erickson Central Research Department.

[fol. 1108] Shopping for R.C.A. Television Set

Macy's: The salesman informed me that they are not taking orders for any R.C.A. television sets at the present time.

[fol. 1109] Liberty Music Shop: 50th Street and Madison Avenue

The salesman here told me that RCA television sets are quite scarce. He couldn't say when any particular model would be available as it depends on when a shipment comes in. He said that the situation changes from day to day and a model available today may not be there tomorrow. He

said that the 16" screen was the more popular size and therefore difficult to get. He thought he could probably get a Regency 16" model within two or three weeks.

[fol. 1110] May E., Inc.: 1309 6th Avenue

The salesman informed me that he had one RCA set, a TV-Radio-Phonograph model, in stock. He told me that if I put in my order for a set, he thought he might be able to get it for me within a few days.

[fol. 1111] Davega: 152 West 42nd Street

RCA sets were in short supply here also. The salesman was obviously very anxious to sell me a set, however, and asked me to choose some model and he would see what he could do for me. I chose the Regency 16" screen console and he told me that I had chosen a model which is one of the hardest to get. However, he said that he would make a couple of telephone calls and that if I really wanted it he would do his utmost to get it for me before the excise tax comes into effect.

[fol. 1112] Davega: 2369 Broadway

The salesman told me that they had no RCA set available for immediate delivery. He offered to take my order, however. He told me that the Regency 16" and the Fairfield 16" were the most easily available and that he could get one for me in a few weeks. He couldn't tell me how long I would have to wait for other models, but said that table models were even more difficult than the two consoles mentioned above, and that the 19" screen models were the most difficult to get of all of them.

[fol. 1113] Shearn's: 1120 Madison Avenue

Since a shipment arrived yesterday, the salesman said that they have many models available. However, he said that they haven't been taking any orders during the past two weeks because of scarcity and the uncertainty as to when a shipment would come in. He said that they generally sell only from stock as they do not like to make customers wait for an indefinite period of time.

[fol. 1114] Radio Clinic, Inc.: 2290 Broadway

The salesman told me that he had in stock for immediate delivery the Regency 16" console; Fairfield 16" console; table models with 12½" and 16" screens; and a table model with 19" screen in the warehouse.

[fol. 1115] Dynamic: 1926 Broadway

Only the Provincial 16" console was available for immediate delivery. The Kent 16" table model and the Regency 16" console could be had in ten days. He was uncertain about the others and said it would take longer to get them. He singled out the three models above as being the easiest to get.

[fol. 1116] Master's: Master's is taking orders but cannot promise delivery for two or three months.

[fol. 1117] Rabson's: 111 West 52nd Street

Rabson's are not taking orders at the present time. The salesman said that the demand has been terrific and said it was probably due to the 10 per cent excise which will become effective November 1st. He said that he might take my order after November 1st.

[fol. 1118] Marconi Bros.: 864 Lexington Avenue

This store had the following models available for immediate delivery:

Fairfield 16" screen console; Northampton 19" console; Provincial 16" console; Hillsdale 19" console; the Kent (table model) 16". As for other models, the salesman couldn't say when they would be available as everything depends on when the next shipment comes in.

[fol. 1119] Bloomingdale's: There were no R.C.A. television sets in this store. The salesman said that he could give me any other brand, however. Since I insisted on an RCA set, he offered to take my name down and would call me when the model I chose came in. He said that he generally did not make a practice of doing this as he was in no position to make any promises as to when delivery could be made. However, the fact that he would write my name down would in no way obligate me and if I could get a set elsewhere it would be all right.

The salesman was very puzzled by the scarcity of RCA sets and said that they receive one or two RCA sets to 10 or 15 pieces of some other brand.

When I told him I might try a small independent, he believed that my chances of getting a TV set there were slight. He thought that if a big store like Bloomingdale's couldn't get any, the small independent couldn't either.

[fol. 1120] Gimbel's: Some television sets were available for delivery before November 1st. Sets available; TV-radio-phonograph combination in 12" and 16" screens. A console model—16" screen (Regency). The table model, 16" screen—not available at present. Another model, TV-phonograph combination with 16" screen not available.

(Here follow 2 photolithographs, folios 1121-1122)

Dynamic's answer to the TV Color Question

As one of America's leading television retailers, with more than 100,000 satisfied customers on our books, and with a strong sense of obligation and responsibility to the public we serve, we take this means of stating our position on the TV color question.

The question uppermost in the minds of most people is: "Will my television set be obsolete when color comes?" Our answer is a positive and emphatic **"NO!"**

It is Dynamic's firm and considered opinion, based on our own careful analysis and on the judgment of practically every responsible leader in the television industry, that the vast majority of television programs will continue to be broadcast in black and white for many years to come.

Furthermore, the set you now own or intend to buy will receive color, if you so desire, through the use of color converters.

There has been much talk and speculation about the cost of color converters and adapters. Dynamic takes the guesswork out of the color question with this unqualified guarantee to anyone who is thinking of buying a television set at Dynamic Stores:—

DYNAMIC'S UNQUALIFIED OFFER!

BUY YOUR TELEVISION SET NOW!

- DYNAMIC guarantees to furnish you with a color converter and/or adapter as required, when they are available, at a price of **\$49.50 OR LESS!**
- This guarantee will be given to you in writing. It applies to all the leading brands of television which we sell in our fifteen stores. These respected brands are listed below.

DYNAMIC STORES feature these leading, nationally famous brands of television sets:—

ADMIRAL • ANSLEY • BENDIX • CAPEHART
DUMONT • EMERSON • FREED-EISEMANN
GENERAL ELECTRIC • HALLICRAFTERS
KAYE-HALBERT • MAJESTIC • MOTOROLA
OLYMPIC • PHILCO • RCA VICTOR • SHAW
SENTINEL • STROMBERG-CARLSON • ZENITH

TAKE 65 WEEKS TO PAY

ENJOY TELEVISION NOW!

Enjoy television's millions of dollars worth of entertainment in the comfort of your own home, every day, every night. Great stars, thrilling sports events, news, music, movies, opera, comedy, variety, children's programs. Entertainment for every member of the family at a cost so phenomenally low when compared to other forms of entertainment that you really cannot deprive your family of its enjoyment. With Dynamic's guarantee that your set can be converted to color—there is no reason to hesitate a moment longer. Visit your nearest Dynamic store today.



REMEMBER — THE 10% EXCISE TAX ON TV BECOMES EFFECTIVE NOV. 1st

FREE HOME DEMONSTRATION

For an absolutely free home demonstration of any of the famous television brands listed, call—

In New York call:
TRafalgar 3-2025

In New Jersey call:
MArket 2-1320

15 GREAT DYNAMIC STORES TO SERVE YOU

MANHATTAN

*1976 Broadway
37 W. 57th St.
875 Sixth Ave.

BRONX

*1059 Third Ave.

*1952 White Plains Rd.

BROOKLYN

*444 Myrtle Ave.

*430 Fifth Ave.

QUEENS

*44-41 Queens Blvd.

*91-04 Jamaica Ave.

STATEN ISLAND

*61 Victory Blvd.

YONKERS

*447 South Broadway

*447 South Broadway

PORTCHESTER

*44 Westchester Ave.

NEW JERSEY

*5509 Bergenline Ave.

WASHINGTON, D.C.

*1300 G St. N.W.

BRIDGEPORT, CONN.

*415 Boston Ave.

*Stores Open to 10 P.M. Daily

[fol. 1123]

EXHIBIT G

A Survey of Business Conditions Among Major Brand Retailers and Wholesalers of Television Receivers

A Report for

Columbia Broadcasting System, Inc.

Dun & Bradstreet, Inc.

[fol. 1124] Prepared by Business Information Division

Dun & Bradstreet, Inc.

November 7 and 8, 1950

[fol. 1125]

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[fol. 1126]

Foreword

The Business Information Division of Dun & Bradstreet was asked by the Columbia Broadcasting System, Inc., to conduct personal interviews with owners or principal buyers of selected retail and wholesale television outlets.

The purpose of the interviews was to obtain up-to-date information concerning the volume of recent sales and opinions as to the factors affecting them. This assignment was received on November 6 and completed on November 9.

Each of the 39 Dun & Bradstreet district offices located in a television area was assigned a quota of *retail* television outlets to be covered in the survey. These quotas were approximately proportionate to the estimated number of television homes in these cities. In addition, eight of the nine Dun & Bradstreet regional offices were assigned a quota of *wholesale* television outlets similarly apportioned; the remaining regional office, Dallas, was excluded because of its relative unimportance as a television area to date. The Dun & Bradstreet offices were instructed to select their quotas of individual outlets from among the leading retailers and/or wholesalers carrying the following major brands of television sets: Admiral, Crosley, Dumont, Emerson, General Electric, Hallicrafter, Hoffman, Motorola, Philco, RCA, and Zenith.

The total quotas of interviews were 675 retailers and 75 wholesalers. A total of 639 usable retail and 64 usable wholesale interviews were completed. The detail of the quotas and completions are given on page 3.

The interviews were conducted with the owner or the principal buyer in each of the selected outlets. The questionnaire used in these interviews is reproduced on page 2.

[fol. 1127]

Questionnaire

1. Were your television set dollar sales in October higher, lower or about the same as those in September?

2. Which do you think are the three most important factors (in order of importance) responsible for this change?

3. Were your October sales in line with your expectations? If yes, conclude this question; if no, ask if sales were above or below expectations. In either case ask reasons why.

4. Are your sales up to today in November excellent, good, fair or poor? What do you think accounts for this?

5. Have cancellations of orders by your customers, if any, over the last two weeks (repeat two weeks) been

normal, high or low? If response is either high or low ask what in your opinion are the reasons. Please press for specific reasons.

6. As of today are any of the following factors unfavorably affecting your sales: Shortages of sets—color—Regulation W—new excise tax—if answer is yes list in the order of importance.

[fol. 1128]

Breakdown of Interviews

City	Retailers				Wholesalers			
	Assigned		Obtained		Assigned		Obtained	
	#	%	#	%	#	%	#	%
Albany	9	1.3	8	1.3				
Atlanta*	6	.9	6	.9	1	1.3	1	1.6
Baltimore	20	3.0	20	3.1				
Birmingham	1	.2	1	.2				
Boston*	48	7.1	43	6.7	8	10.7	8	12.5
Buffalo	11	1.6	11	1.7				
Chicago*	59	8.7	59	9.2	10	13.3	10	15.6
Cincinnati	16	2.4	16	2.5				
Cleveland*	28	4.2			5	6.7		
Columbus	8	1.2	8	1.3				
Dallas*,**	4	.6	4	.6				
Des Moines	1	.2	1	.2				
Detroit	30	4.4	30	4.7				
Houston	3	.4	3	.5				
Indianapolis	7	1.0	7	1.1				
Jacksonville	1	.2	1	.2				
Kansas City	5	.7	5	.8				
Los Angeles*	63	9.3	63	9.9	11	14.7	11	17.2
Louisville	4	.6	4	.6				

* Indicates a Dun & Bradstreet regional office.

** The Dallas regional office was not assigned a "wholesaler" quota, since it represented but a fraction of an interview.

[fol. 1129]

Breakdown of Interviews (Cont.)

City	Retailers				Wholesalers			
	Assigned		Obtained		Assigned		Obtained	
	#	%	#	%	#	%	#	%
Memphis	5	0.7	5	0.8	..	..	..	..
Milwaukee	15	2.2	15	2.3	..	..	..	..
Newark	31	4.6	31	4.8	5	6.7	5	7.8
New Haven	10	1.5	10	1.6	..	..	..	..
New Orleans	3	0.4	3	0.5	..	..	..	..
New York*	127	18.9	123	19.1	22	29.3	16	25.0
Omaha	3	0.4	3	0.5	..	..	..	..
Philadelphia*	58	8.6	60	9.4	10	13.3	10	15.6
Pittsburgh	13	1.9	13	2.0	..	..	..	..
Providence	8	1.2	8	1.3	..	..	..	..
Richmond	4	0.6	4	0.6	..	..	..	..
Rochester	5	0.7	5	0.8	..	..	..	..
St. Louis*	16	2.4	16	2.5	3	4.0	3	4.7
St. Paul	12	1.8	12	1.9	..	..	..	..
Salt Lake City	2	0.3	2	0.3	..	..	..	..
San Francisco	8	1.2	8	1.3	..	..	..	..
Seattle	3	0.4	3	0.5	..	..	..	..
Syracuse	6	0.9	6	0.9	..	..	..	..
Toledo	6	0.9	6	0.9	..	..	..	..
Washington	16	2.4	16	2.5	..	..	..	..
Total	675	100.0%	639	100.0%	75	100.0%	64	100.0%

* Indicates a Dun & Bradstreet regional office.

[fol. 1130]

Question 1

"Were your television set dollar sales in October higher, lower, or about the same as those in September?"

	Retailers		Wholesalers	
	#	%	#	%
Higher	378	59.2	40	62.5
Lower	156	24.4	8	12.5
Same	105	16.4	16	25.0
Don't know	..	..	..	..
Total	639	100.0%	64	100.0%

[fol. 1131]

Question 2

"Which do you think are the most important factors (in order of importance) responsible for this change?"

(Analyzed by those retailers whose dollar sales in October were *higher* than those in September.)

Factors	Retailers					
	First		Second		Third	
	#	%	#	%	#	%
Excise tax	271	71.8	52	13.8	15	4.0
Regulation W	23	6.1	43	11.4	12	3.2
Seasonal demand	22	5.8	58	15.3	16	4.2
Higher prices	7	1.9	14	3.7	4	1.1
Co-axial cable	5	1.3	3	.8		
Promotion and advertising	5	1.3	7	1.9	9	2.4
War scare	10	2.6	13	3.4	4	1.1
Shortage of sets	5	1.3	31	8.2	33	8.7
Availability of material			2	.5	3	.8
Better selection of sets	3	.8	8	2.1	5	1.3
Business conditions	2	.5	1	.3	2	.5
Increase in demand	4	1.1	8	2.1	9	2.4
Premature buying	14	3.7	3	.8	3	.8
Better programs	2	.5	15	4.0	12	3.2
All others	3	.8	8	2.1	6	1.6
No answer	2	.5	112	29.6	245	64.7
Total	378	100.0%	378	100.0%	378	100.0%

[fol. 1132]

Question 2

"Which do you think are the most important factors (in order of importance) responsible for this change?"

(Analyzed by those Wholesalers whose dollar sales in October were *higher* than those in September.)

Factors	Wholesalers					
	First		Second		Third	
	#	%	#	%	#	%
Excise tax	27	67.5	8	20.0		
Regulation W	1	2.5	5	12.5	2	5.0
Shortage of sets	1	2.5	2	5.0		
Seasonal variation	4	10.0	2	5.0		
Advertising	1	2.5			2	5.0
Increased interest in television			2	5.0	2	5.0
Availability of merchandise			1	2.5	1	2.5
Better programs			2	5.0	1	2.5
War scare			1	2.5	3	7.5
General business conditions			1	2.5	2	5.0
Good delivery	1	2.5	3	7.5	3	7.5
Increased demand			1	2.5	2	5.0
More production	4	10.0	1	2.5	1	2.5
Priced better	1	2.5	1	2.5	1	2.5
No answer			10	25.0	20	50.0
Total	40	100.0%	40	100.0%	40	100.0%